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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,620	04/15/2004	Helmut Isgen	32140-200520	6263
26694	7590	03/23/2006		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20045-9998			EXAMINER CLEMENT, MICHELLE RENEE	
			ART UNIT	PAPER NUMBER
			3641	
DATE MAILED: 03/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/824,620	ISGEN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michelle (Shelley) Clement	3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5 and 9 is/are rejected.
- 7) ☐ Claim(s) 2, 3 and 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hornfeck et al. (US Patent # 3,866,513). Hornfeck et al. discloses a wedge-type breechblock for a weapon having a barrel that recoils relative to a cradle, the barrel having a bore with an axis, and a breech plate, the breechblock comprising a closing wedge for arranging in the breech plate such that the closing wedge can be displaced transverse to the axis of the bore, at least one control lever, a pin-type carrier attached to the control lever, a breech mechanism shaft that activates the closing wedge, the breech mechanism shaft being connected on a side that faces the cradle to the control lever, at least one guiding device for guiding the pin-type carrier is provided on the cradle on a side of the cradle that faces the barrel, an ascending curved track located on the guiding device, along which the pin-type carrier is guided during a counter-recoil motion of the barrel from an intake region to a highest point, so that the control lever is pivoted during the counter-recoil motion of the barrel, and the breech mechanism shaft is turned to move the closing wedge to an opened position, and a straight guide track located on the guiding device positioned lower than the highest point of the curved track and which transitions to the intake region of the ascending curved track wherein at least the curved track of the guiding device that follows the intake region is designed to function as a diverter for the carrier during the counter-recoil motion

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of the barrel. The curved track follows an approximately sine-shaped ascending course. The curved track is a hardened material. The pin-type carrier is guided inside a groove during the counter-recoil motion of the barrel and a lower sidewall of the groove is formed by the curved track.

*Allowable Subject Matter*

3. Claims 2, 3 and 6-8 are objected to as being dependent upon a rejected base claim, but would possibly be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not anticipate the claimed wedge-type breechblock further comprising a first part of the guiding device designed to pivot and a spring that exerts pressure on the first part around a pivoting axis that is perpendicular to a longitudinal axis of the pin-type carrier wherein the curved track has at least two adjoining sections, a first section of the curved track being arranged on the first part of the guiding device and during the recoil motion of the barrel, the pin-type carrier pivots the first part away from the barrel and thus reaches the intake region.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Magnuson (US Patent # 4,357,857), Muller (US Patent # 1,003,288), Dearborn (US Patent # 798,882), and Stoner (US Patent # 4,791,851).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Clement whose telephone number is 571.272.6884. The examiner can normally be reached on Monday thru Thursday 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571.272.6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MICHELLE CLEMENT  
PRIMARY EXAMINER